

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DONELLE MURPHY,

Petitioner,

-against-

ATTICA CORRECTIONAL FACILITY,

Respondent.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/23/2020

1:20-CV-4673 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

By order dated May 15, 2020, Judge Louis L. Stanton granted Petitioner until June 25, 2020, to file a petition for a writ of *habeas corpus* under 28 U.S.C. § 2254, and to file an *in forma pauperis* application or pay of the \$5.00 filing fee. *Murphy v. Warden of Attica Correctional Facility*, 1:20-CV-3076, 2 (S.D.N.Y. May 15, 2020). On June 16, 2020, the Court received the present § 2254 petition from Petitioner, as well as a letter from him in which he requests the appointment of counsel and that his *habeas corpus* action be held in abeyance. (ECF 1 & 2.) He has also paid the \$5.00 filing fee. In response to the filing of those submissions, the Clerk of Court opened this new civil action.


Because it is clear that those submissions should have been filed in *Murphy*, ECF 1:20-CV-3076, however, the Court directs the Clerk of Court to file those submissions (ECF 1 & 2) in *Murphy*, ECF 1:20-CV-3076, and to note in that action that Petitioner has paid the filing fee. The Court also directs the Clerk of Court to administratively close this action, and mail a copy of this order to the Pro Se Petitioner.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: June 23, 2020  
New York, New York

  
Vernon S. Broderick  
United States District Judge